



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4269

by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-6.4

Amends the Criminal Code of 2012. In the statute creating the offense of criminal street gang recruitment on school grounds, defines "school grounds" to mean the property, including buildings and grounds, of a public or private elementary, secondary, or post-secondary school, or a public or private 2-year or 4-year institution of higher education; public property or property open to public use within 1,000 feet of school property; a school bus; a designated school bus stop; and public property or property open to public use which is within 1,000 feet of the school bus stop, during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school-sponsored activity. Expands the offense to include the commission of the crime in a public park or recreational facility. Defines "public park or recreational facility".

LRB099 13243 RLC 37150 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 12-6.4 as follows:

6 (720 ILCS 5/12-6.4)

7 Sec. 12-6.4. Criminal street gang recruitment on school  
8 grounds, ~~or~~ public property adjacent to school grounds, or in a  
9 public park or recreational facility and criminal street gang  
10 recruitment of a minor.

11 (a) A person commits criminal street gang recruitment on  
12 school grounds, ~~or~~ public property adjacent to school grounds, or  
13 in a public park or recreational facility when on school  
14 grounds, ~~or~~ public property adjacent to school grounds, or in a  
15 public park or recreational facility he or she knowingly  
16 threatens the use of physical force to coerce, solicit,  
17 recruit, or induce another person to join or remain a member of  
18 a criminal street gang, or conspires to do so.

19 (a-5) A person commits the offense of criminal street gang  
20 recruitment of a minor when he or she threatens the use of  
21 physical force to coerce, solicit, recruit, or induce another  
22 person to join or remain a member of a criminal street gang, or  
23 conspires to do so, whether or not such threat is communicated

1 in person, by means of the Internet, or by means of a  
2 telecommunications device.

3 (b) Sentence.

4 Criminal street gang recruitment on school grounds, ~~or~~  
5 public property adjacent to school grounds, or in a public  
6 park or recreational facility is a Class 1 felony and  
7 criminal street gang recruitment of a minor is a Class 1  
8 felony.

9 (c) In this Section:

10 "Public park or recreational facility" includes a  
11 park, forest preserve, bikeway, trail, community center,  
12 gymnasium, or conservation area under the jurisdiction of  
13 the State or a unit of local government.

14 "School bus" has the meaning ascribed to the term in  
15 Section 1-182 of the Illinois Vehicle Code.

16 "School grounds" means the property, including  
17 buildings and grounds, of a public or private elementary,  
18 secondary, or post-secondary school, or a public or private  
19 2-year or 4-year institution of higher education; public  
20 property or property open to public use within 1,000 feet  
21 of school property; a school bus; a designated school bus  
22 stop; and public property or property open to public use  
23 which is within 1,000 feet of the school bus stop, during  
24 the time when school children are waiting to be picked up  
25 and transported to or are being dropped off from school or  
26 a school-sponsored activity ~~the building or buildings or~~

1 ~~real property comprising a public or private elementary or~~  
2 ~~secondary school, community college, college, or~~  
3 ~~university and includes a school yard, school playing~~  
4 ~~field, or school playground.~~

5 "Minor" means any person under 18 years of age.

6 "Internet" means an interactive computer service or  
7 system or an information service, system, or access  
8 software provider that provides or enables computer access  
9 by multiple users to a computer server, and includes, but  
10 is not limited to, an information service, system, or  
11 access software provider that provides access to a network  
12 system commonly known as the Internet, or any comparable  
13 system or service and also includes, but is not limited to,  
14 a World Wide Web page, newsgroup, message board, mailing  
15 list, or chat area on any interactive computer service or  
16 system or other online service.

17 "Telecommunications device" means a device that is  
18 capable of receiving or transmitting speech, data,  
19 signals, text, images, sounds, codes, or other information  
20 including, but not limited to, paging devices, telephones,  
21 and cellular and mobile telephones.

22 (Source: P.A. 96-199, eff. 1-1-10; 96-1551, eff. 7-1-11.)